

# PUBLIC NOTICE

Notice to Water Users  
(Pursuant to Section 85-2-307, MCA)

The following application has been submitted to change a water right in the State of Montana.

THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION PROPOSES TO GRANT AN APPLICATION TO CHANGE A WATER RIGHT. DESCRIBED BELOW ARE THE PERTINENT FACTS WHICH SUMMARIZE THE APPLICATION. THE PRELIMINARY DETERMINATION (PD) DOCUMENTING THE FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ANY CONDITIONS ATTACHED TO THE WATER RIGHT ARE AVAILABLE ON THE INTERNET AT <http://www.dnrc.mt.gov/wrd/>.

**OBJECTION DEADLINE: APRIL 28, 2023.** THE DEPARTMENT CAN ONLY ACCEPT OBJECTIONS FILED ON AN OBJECTION TO APPLICATION, FORM 611. MAIL THE COMPLETED FORM AND THE \$25.00 FILING FEE TO THE DNRC, PO BOX 201601, HELENA, MT 59620-1601 BY THE DEADLINE SPECIFIED. THE FORM IS AVAILABLE ON THE DEPARTMENT'S WEBSITE.

DIRECT ANY QUESTIONS PERTAINING TO THE APPLICATION, TO OBTAIN THE PD OR OBJECTION FORM TO THE WATER RESOURCES OFFICE AT 2705 SPURGIN RD, BLDG C, PO BOX 5004, MISSOULA, MT 59804-5004 FAX: 406-542-5899 PHONE: 406-721-4284.

**Application Number:** 76G 30145973

**Applicant:** CLARK FORK COALITION  
PO BOX 7593  
MISSOULA, MT 59807 7593

**WATER RIGHT NUMBER(S) BEING CHANGED**

<u>Water Right Type</u>	<u>Water Right Number</u>	<u>Priority Date</u>
STATEMENT OF CLAIM	76G 30103774	FEBRUARY 12, 1883
Historical Flow Rate: 4.28 CFS	Historical Consumptive Volume: 45.40 AC-FT	
	Historical Diverted Volume: 198.30 AC-FT	

**PAST USE OF WATER**

4.28 CFS WAS HISTORICALLY DIVERTED FROM DRY COTTONWOOD CREEK INTO THE LOWER DRY COTTONWOOD CREEK DITCH FOR THE PURPOSE OF WILD FLOOD IRRIGATION OF THE 138.2-ACRE HISTORIC PLACE OF USE, WHICH IS GENERALLY LOCATED IN THE E2 S. 29, W2S2SW S. 28, T6N R9W, DEER LODGE COUNTY. THE HISTORIC PERIOD OF DIVERSION AND PERIOD OF USE FOR STATEMENT OF CLAIM NO. 76G 30103774 IS MAY 6 TO JULY 8.

**PROPOSED CHANGE**

THIS AUTHORIZATION IS FOR A TEMPORARY CHANGE IN THE PURPOSE AND PLACE OF USE OF STATEMENT OF CLAIM NO. 76G 30103774 FROM IRRIGATION TO INSTREAM FLOW IN DRY COTTONWOOD CREEK IN DEER LODGE COUNTY FOR A PERIOD OF TEN YEARS WITH THE OPTION TO RENEW. THE INSTREAM PLACE OF USE EXTENDS FROM THE LOWER DRY COTTONWOOD CREEK DITCH HEADGATE IN THE SENWSW OF SECTION 28, T6N R9W AND ENDS AT THE CONFLUENCE OF DRY COTTONWOOD CREEK AND THE CLARK FORK RIVER IN THE SESWNE OF SECTION 29, T6N R9W. THE AMOUNT OF WATER AUTHORIZED FOR INSTREAM FLOW APPROPRIATION WITH THIS WATER RIGHT IS 4.28 CFS AND 198.3 AF. THE PERIOD OF USE FOR THIS CHANGE IS MAY 6 TO JULY 8.

**ADDITIONAL INFORMATION**

IN AGGREGATE, THE MAXIMUM VOLUME OF WATER THAT WILL BE ANNUALLY APPROPRIATED IN DRY COTTONWOOD CREEK WITH STATEMENT OF CLAIM 76G 30103774 (198.3 AF) AND IN THE CLARK FORK RIVER WITH STATEMENT OF CLAIM NOS. 76G 30103778 AND 76G 30103784 (990 AF COMBINED) CANNOT EXCEED 1,060.6 AF WHILE TEMPORARY CHANGE AUTHORIZATION NOS. 76G 30145973 AND 76G 30069060 ARE BOTH ACTIVE.

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